

DEFENDANT'S REQUESTED VOIR DIRE QUESTIONS (GENERAL)

- 1) Before coming here today, have you heard or read about anything this case?
- 2) What stands out in your mind from everything you have heard, read or seen about the Boston Marathon bombing and the events that followed it?¹

[If juror has difficulty responding, prompt with: Do you recall anything]

- a) About how the bombings occurred?
 - b) About the people who are supposed to have carried it out?
 - c) About any of the bombing victims who died?
 - d) About any of the victims who were hurt but survived?
 - e) About the MIT police officer who was killed several days later?
 - f) About the defendant, Dzhokhar Tsarnaev?
 - g) About any members of Mr. Tsarnaev's family?
- 3) **[Follow-up to Q. 73]:** Can you estimate how many news reports you have read, listened to or watched about the Boston Marathon bombing, its aftermath, or this case since April 15, 2013? Would you say dozens? More than a hundred?
 - 4) How did you first learn about the bombing at the Marathon?
 - a) Where were you?
 - b) What did you do?
 - c) What was your first reaction? Did your feelings change as you learned more? How?
 - 5) **[Follow-up to Q. 81-82]:** Did the events surrounding the Marathon bombing affect you personally in any way? How?
 - a) Did they affect anyone close to you? How?
 - 6) **[Follow-up to Q. 82]** Did you or anyone close to you do anything in response to the Marathon bombings (such as donating to the One Fund or other charities, buying Boston Strong clothing or other merchandise or books, attending or helping organize special events, volunteering time, expressing support for the victims on-line, or anything else)?

¹*Skilling v. United States*, 561 U.S. 358, 371 (2010) (noting that jurors were asked on questionnaire "to report on 'what st[ood] out in [their] mind[s]' of 'all the things [they] ha[d] seen, heard or read about Enron.'")

- 7) Have you heard anything about the court cases — including this one — that have resulted from the Marathon bombing? What have you heard?
- 8) Do you think that most people in this area believe that Mr. Tsarnaev is guilty?
- 9) (If yes) Why do you think most people feel that way?
- 10) If the government in this case did not present enough evidence to prove that Mr. Tsarnaev was guilty *beyond a reasonable doubt*, the jury would have to find him not guilty, and he would then be released.
 - a) If that happened, how do you think most people in the Boston area would feel about it?
 - b) How would *you* feel about it?
- 11) If you were on the jury, and the jury found Mr. Tsarnaev *not* guilty, how do you think the people you know (your relatives, friends, neighbors, co-workers) would react when you returned home, went back to work, etc.?
 - a) Would you want people to know that you had been on the jury that acquitted him?
 - b) Would you be concerned if people did know?
 - c) Why?
 - d) Is it possible that you would think about other people's reactions while you were on the jury deliberating? Could this affect you? (If no:) Are you sure?
- 12) If you were the defendant on trial in this case, would you want someone on your jury who thinks about you the way you think about Mr. Tsarnaev?²
- 13) Apart from the people who were actually killed or hurt, do you think the Marathon bombing has had any effect or impact on the people who live in the Boston area? If yes, what sort of effect? Has it had any effect on you? On any members of your family?
- 14) Did you participate in or attend any part of the **2014** Boston Marathon? Did you participate or have any involvement in events surrounding the first anniversary of the Marathon bombing?
- 15) Have you heard or read anything about the very recent attacks in Paris? (If yes)

²*Irvin v. Dowd*, 356 US 717, 727 (1961) (“A number [of veniremen] admitted that if they were in the accused’s place in the dock and he in theirs in the jury with their opinions, they would not want him in the jury.”)

- a) Has this news given you any additional concerns?
 - b) Do you feel that the Boston Marathon bombing and what happened in Paris on January 7-9 are similar or connected in any way? (If yes) In what way(s)?
- 16) How do you feel about the way that law enforcement responded to the Marathon bombing and its aftermath?
- 17) Do you have any feelings or opinions about:
- a) the way the prosecution has been conducted so far, or the prosecutors in this case?
 - b) the way the defense has been conducted so far, or defense attorneys in this case?
 - c) any of the legal proceedings so far?
- 18) **[Follow-up to Q. 87]** As was mentioned on the questionnaire, jurors in this case are going to have to look at graphic photographs and videotape, and listen to audio recordings, of people who have just suffered horrible injuries from bomb explosions. Some of the victims who survived will also testify, and may provide details about what happened to them. Now that you have had some time to reflect, and to remember how you learned about and experienced the Marathon bombings yourself, do you think that such evidence and testimony might affect your ability to serve as an impartial juror in this case and be completely fair to both sides?
- 19) Do you want to be on this jury? [If juror hesitates or is evasive, follow up with:]
- a) If I just left it up to you whether you are seated or excused from this jury, which would you choose? Would you rather be on the jury that will decide this case, or would you rather be excused?